

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BEATRIZ JIMENEZ ET AL.	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 07-1066
ROSENBAUM-CUNNINGHAM, INC.	:	
ET AL.	:	

ORDER

AND NOW, this 31st day of March, 2010, upon consideration of Plaintiffs' Motion for a Default Judgment against Defendants Rosenbaum-Cunningham, Inc., Richard Rosenbaum, and Christina Flocken (Doc. No. 95), Motion of Defendant Dave & Buster's, Inc. for Default Judgment Against Defendants Richard Rosenbaum, Edward Scott Cunningham, Christina Flocken, and Rosenbaum-Cunningham, Inc. (Doc. No. 98), and Plaintiffs' Motion for a Default Judgment against Defendant Edward Cunningham (Doc. No. 99), and all documents submitted in support thereof and in opposition thereto, it is ORDERED as follows:

1. Plaintiffs' Motion for a Default Judgment against Defendants Rosenbaum-Cunningham, Inc., Richard Rosenbaum, and Christina Flocken (Doc. No. 95) is GRANTED in part and DENIED in part. The motion is GRANTED as to Rosenbaum-Cunningham, Inc. ("RCI") and Flocken, and default judgment is entered in favor of Plaintiffs and against RCI and Flocken. The motion is DENIED as to Rosenbaum.
2. Motion of Defendant Dave & Buster's, Inc. for Default Judgment Against Defendants Richard Rosenbaum, Edward Scott Cunningham, Christina Flocken, and Rosenbaum-Cunningham, Inc. (Doc. No. 98) is GRANTED in part and DENIED in part. The motion is GRANTED as to RCI, and default judgment is

entered in favor of Dave & Buster's, Inc. ("D&B") and against RCI. The motion is DENIED as to Rosenbaum, Cunningham, and Flocken.

3. Plaintiffs' Motion for a Default Judgment against Defendant Edward Cunningham (Doc. No. 99) is GRANTED and default judgment is entered in favor of Plaintiffs and against Cunningham.
4. Within sixty (60) days of the date of this Order, Plaintiffs shall file an omnibus memorandum setting forth their claimed damages. In an appendix in support thereof, Plaintiffs shall submit a declaration and any other papers for each individual Plaintiff seeking damages. *See* Fed. R. Civ. P. 55(b)(2) (providing that the court may conduct a hearing when it needs to "determine the amount of damages" to award in a default judgment or "investigate any other matter").
5. In the absence of good cause shown, damages will not be awarded to any Plaintiff who fails to file supporting documents in accordance with the forgoing.
6. Plaintiffs shall serve a copy of their omnibus memorandum and supporting documents on Defendants RCI and Flocken.
7. Within thirty (30) days of the date of Plaintiffs' service of the omnibus memorandum and supporting documents, Defendants RCI and Flocken shall file any objections to the amount of Plaintiffs' claimed damages.
8. Within sixty (60) days of the date of this Order, D&B shall file an omnibus memorandum setting forth its claimed damages. In an appendix in support thereof, D&B shall submit a declaration and any other papers.
9. D&B shall serve a copy of its omnibus memorandum and supporting documents

on Defendant RCI.

10. Within thirty (30) days of the date of D&B's service of the omnibus memorandum and supporting documents, Defendant RCI shall file any objections to the amount of D&B's claimed damages.
11. The Court reserves judgment on the amount of the default judgment pending consideration of Plaintiffs' and D&B's omnibus memoranda and supporting documents and Defendants' responses.

IT IS SO ORDERED.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'R. Barclay Surrick, J.', written over a horizontal line.

R. Barclay Surrick, J.